



2019 ANNUAL REPORT

Office of the Indiana Attorney General



Marion County



FROM THE ATTORNEY GENERAL

2019 Office of the Indiana Attorney General's Annual Report

Dear Fellow Hoosiers:

At the Office of the Attorney General, our staff members consider public service a special calling and a distinct privilege. We are proud of our work on behalf of Hoosiers statewide.

The purpose of this report is to reflect on the achievements of 2019 and the recent past. By considering such accomplishments, we can better chart our course toward continued success in the future.

As the state's law firm, we have more than 350 lawyers, paralegals and support staff across multiple divisions who share the same goal of providing the best possible legal representation for the State of Indiana. Further, we exercise sound fiscal stewardship as we accomplish this mission; since 2017 the Office of the Indiana Attorney General has generated \$11.00 of revenue for every dollar spent.

In addition, our office has expanded outreach initiatives to serve Hoosiers in innovative ways. We have partnered with the Indiana Drug Enforcement Association, for example, to support the statewide launch of Jail Chemical Addiction Programs, Highway Interdiction Teams aimed at stopping drug trafficking, and neighborhood programs focused on preventing urban youth gun violence that follow the model of the TenPoint Coalition.

We will continue to build on the strong foundation we have established and we pledge to always work hard for our constituents. Let's make it a great 2020.

Very truly yours,
Curtis T. Hill, Jr.





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Monroe County



Madison County

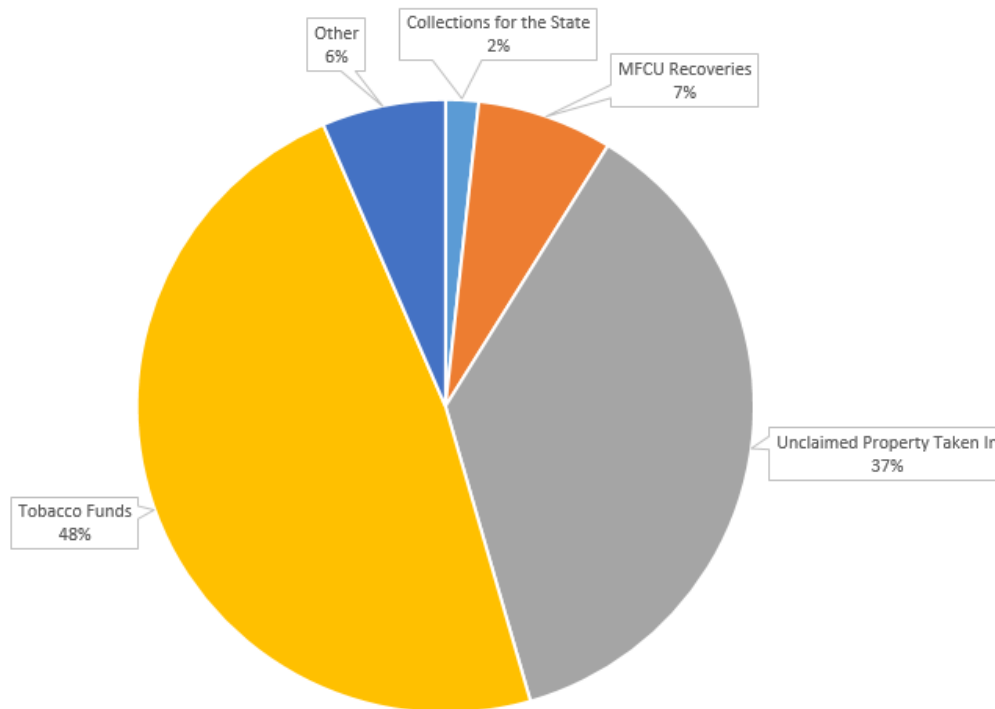


FINANCIAL STEWARDSHIP

2019 Office of the Indiana Attorney General's Annual Report

This administration takes very seriously our responsibility to provide maximum value to taxpayers. Since 2017, the Office of the Attorney General has generated \$11.00 of revenue for every dollar spent. Below are just a few examples of the return on investment generated by the Office of the Attorney General.

The OAG brought in more than \$284.9 Million in 2019



- Unclaimed Property returned over \$67 million directly to Hoosiers
- The State of Indiana received over \$16 million as a result of Consumer Settlements
- Another \$1,000,000 was returned to citizens through consumer restitution



FINANCIAL STEWARDSHIP

2019 Office of the Indiana Attorney General's Annual Report

2017- 2019 Accomplishments

The Consumer Protection Division:

- Recovered \$34.8 million in collections from businesses and individuals who engaged in predatory business practices
- Received and processed over 34,000 complaints regarding identity theft, licensing and general consumer issues
- Resolved consumer complaints through mediation that resulted in nearly \$3 million in settlements and refunds for Indiana consumers
- Collected over \$419 million through the Tobacco Master Settlement Agreement

The Litigation Division:

- Recouped more than \$26 million owed to the state through litigation efforts
- Reduced payments from the tort claim fund by more than 62% in FY 2019

The Medicaid Fraud Control Unit had:

- 106 convictions in state and federal court against those who preyed on our most vulnerable Hoosiers
- Over \$59 million in recoveries from various civil and criminal cases involving Medicaid fraud and patient abuse or neglect

The Unclaimed Property Division returned to Hoosiers:

- \$60.4 million in 2017
- \$61.2 million in 2018
- \$67.3 million in 2019





PROTECTING HOOSIERS

2019 Office of the Indiana Attorney General's Annual Report

Attorney General Curtis Hill has implemented several key initiatives as part of the office's mission to protect the rights, freedoms, and safety of Hoosiers. By using our resources and platform, we work to identify systemic barriers facing Hoosier communities that can contribute to increased crime rates, advocate for legislative changes, and facilitate solution-based conversations among stakeholders.

Initiatives

Crime Prevention Forums

Attorney General Curtis Hill has made crime prevention a priority during his administration. The forums bring together key stakeholders including elected officials, law enforcement, mental health, the courts, community-based organizations, medical providers, and others to identify and share best practices to assist with crime prevention in local communities. Forums were held in Fort Wayne, Jeffersonville, Evansville, Terre Haute, Merrillville, and Lafayette during 2019.

Public Safety Coalition

The Indiana Attorney General's Public Safety Coalition (PSC) is an organization aimed at recognizing the vital role of law enforcement professionals in the crafting of public policy in Indiana. Much of the work of the PSC is geared toward developing long-term solutions to the drug and crime problems plaguing our state. Meetings were held in the following counties: Allen, Boone, Clinton, Delaware, Greene, Hancock, Hendricks, LaPorte, Lake, Montgomery, Morgan, Orange, Porter, Pulaski, Shelby, Spencer, and White.

Drug Abuse Task Force

The Indiana Attorney General's Drug Abuse Task Force was established in September 2012. It is made up of approximately 100 members including state legislators, law enforcement, health and medical professionals, pharmacists, educators, advocates, treatment providers, and representatives from federal, state and local government agencies. In addition, a significant number of working-group volunteers have contributed to the efforts of the task force. The mission of the Task Force is to reduce the abuse of controlled prescription and illicit drugs and to decrease the number of deaths associated with these drugs in Indiana.

Drug Symposium

The Office of the Indiana Attorney General hosts an annual convening of stakeholders with a vested interest in combatting the drug epidemic. This symposium is the largest statewide collaboration of professionals from government agencies, business, academia, clinics, treatment facilities, counseling, education, state and national leadership, as well as other entities that have been impacted by drug abuse. In 2019, the Office of the Indiana Attorney General held the 10th annual Symposium. Since 2017, it has played host to such noted speakers as former New Jersey Governor Chris Christie, Indiana Supreme Court Chief Justice Loretta Rush, Indiana Supreme Court Justice Steven David, former Florida Attorney General Pam Bondi, and others.



PROTECTING HOOSIERS

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Initiatives

Prescription Drug Safety Program

The Indiana Attorney General joined EVERFI's Prescription Drug Safety Network in 2018. The Network is the nation's first public-private initiative to combat the opioid crisis through prevention education in schools. Together we are committed to empowering Hoosiers with the skills and knowledge, through digital education, to make safe decisions about prescription medications.

Impact Since 2018

- 50+ Schools participated
- 3,000+ Students
- 2,000+ Hours of Learning
- Hosted 1st Annual Youth Prevention Summit in 2019

Counties Sponsored by the Office of the Indiana Attorney General

- Crawford County
- Dearborn County
- Fayette County
- Henry County
- Jennings County
- Ripley County
- Scott County
- Starke County
- Switzerland County
- Washington County





PROTECTING HOOSIERS

2019 Office of the Indiana Attorney General's Annual Report

Initiatives

Highway Interdiction Team

In collaboration with the Indiana Drug Enforcement Association, the Office of the Indiana Attorney General provides funding to support regional highway interdiction teams (HITs). Funds have been used to provide police cars, drug sniffing dogs, and surveillance equipment to interrupt drug smugglers across Indiana. Following is a chart indicating the contraband recovered on Hoosier highways by the HITs.

Grants Awarded

- Allen County
- Clark County
- Dearborn County
- Elkhart County
- Hendricks County
- Howard County
- Lake County
- Porter County
- St. Joseph County
- Tippecanoe County
- Vanderburgh County

Indiana HIT Team Statistics

2018

HIT by the numbers

2,727 stops
591 arrests
63 confiscated weapons

Drugs confiscated

cocaine

3.438 lbs.
(1,559.66 grams)

heroin

10.84 lbs.
(4,916.69 grams)

marijuana

561.49 lbs.
(254,686.80 grams)

methamphetamine

17.52 lbs.
(7,946 grams)

2019

HIT by the numbers

3,350 stops
840 arrests
152 confiscated weapons

Drugs confiscated

cocaine

.76 lbs.
(342.58 grams)

heroin

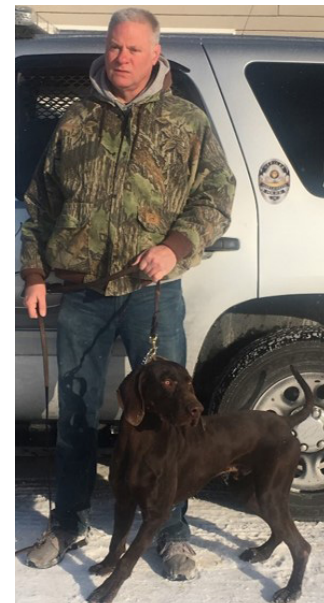
7.15 lbs.
(3,242.54 grams)

marijuana

566.5 lbs.
(257,151.22 grams)

methamphetamine

87.23 lbs.
(39,565.11 grams)





PROTECTING HOOSIERS

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Initiatives

Jail Chemical Addiction Program

Since 2018, the Office of the Indiana Attorney General, in collaboration with the Indiana Drug Enforcement Association, has provided funding to enable counties to establish a Jail Chemical Addiction Program (JCAP). More than 100 offenders have successfully graduated from JCAPs established through grants awarded to the following counties:

- Kosciusko County
- Shelby County
- Montgomery County
- Elkhart County
- Fountain County
- Scott County

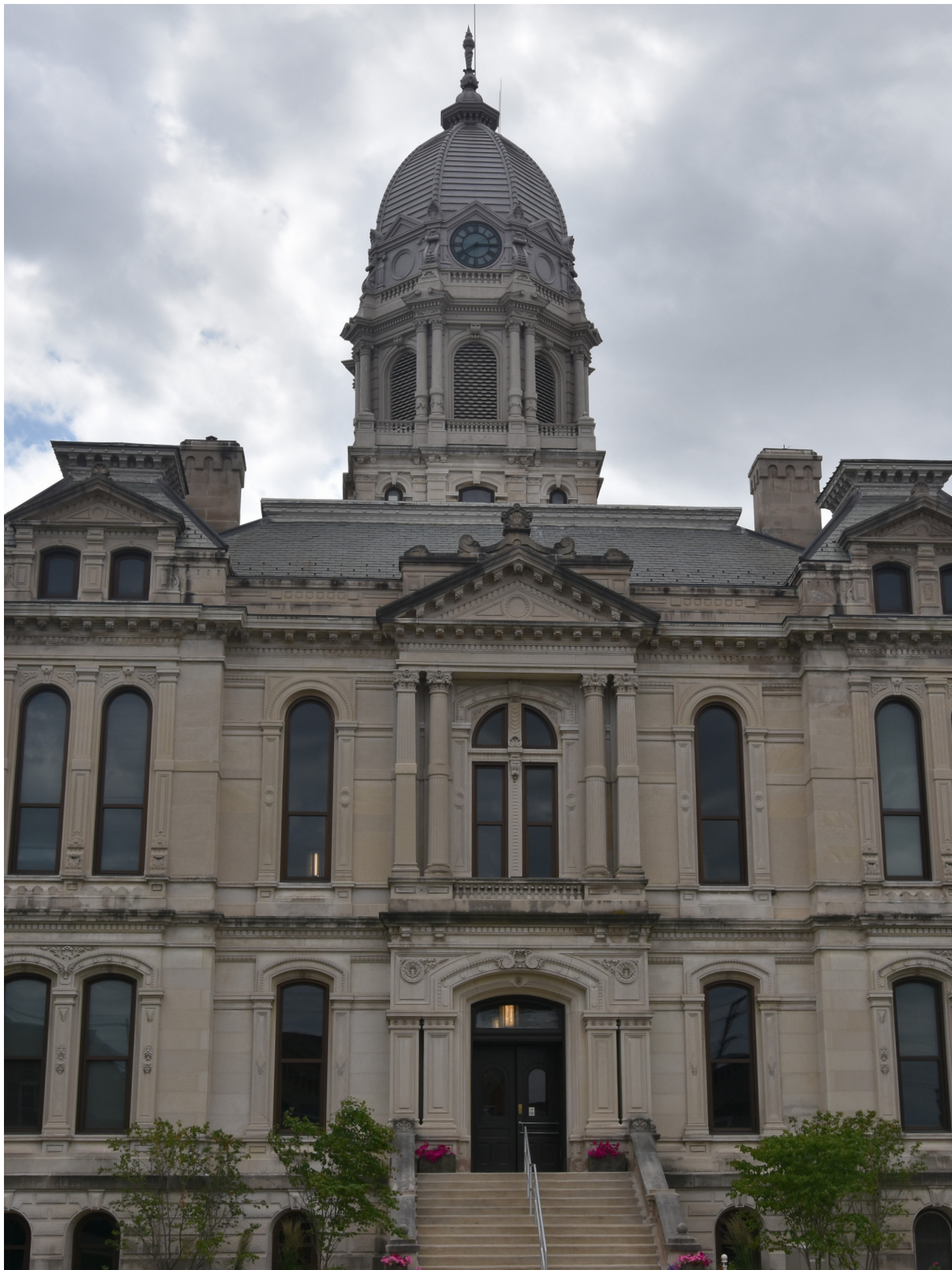
Drug Take Backs

Prescription drug abuse is a growing epidemic affecting people from all walks of life. To help address this epidemic, the Office of the Indiana Attorney General visits locations all over the state allowing citizens to safely return unused prescription medications, preventing misuse of those medications and its potentially deadly consequences. Since 2018, the office collected 3,530 pounds of medication during the drug take back events.

TenPoint

The Indiana TenPoint Coalition is a faith-based 501 (c)(3) organization whose primary mission is to reduce urban youth gun violence by addressing root causes such as lack of education and/or employment. Since 2018, through grants from the Office of the Indiana Attorney General, the TenPoint model was expanded in Indianapolis and new programs were established in Gary and Fort Wayne. The success of the TenPoint Coalition model is demonstrated by the reduction or absence of youth fatalities in the neighborhoods served.





Kosciusko County



CONSUMER PROTECTION

2019 Office of the Indiana Attorney General's Annual Report

The Office of the Indiana Attorney General Consumer Protection Division safeguards Hoosiers from predatory business practices by taking legal action for violations of the Deceptive Consumer Sales Act. The division also oversees data privacy, identity theft, and investigates and pursues matters relating to medical and professional licenses.

Accomplishments

Consumer Litigation

- Since 2017, recovered over \$34.8 million and received and processed 34,000 complaints relating to identity theft, licensing, and consumer issues
- **2019**
 - Successfully resolved 258 legal matters
 - Collected over \$419 million through the Tobacco Master Settlement Agreement
 - Responded to over 27,000 hotline calls
 - Entered into a \$4.4 million settlement related to misrepresentations about the safety of pelvic surgical mesh products
 - Money Mule Initiative: in collaboration with the US Department of Justice protected Hoosiers by reviewing 251 cases of possible money mule schemes





CONSUMER PROTECTION

2019 Office of the Indiana Attorney General's Annual Report

Accomplishments

Mediation unit

- Over \$2.8 million recovered and distributed to Indiana consumers as a result of successful mediation

Data Privacy

- Took the lead on fighting robocalls, in collaboration with the Federal Trade Commission, by participating in Operation Call it Quits, a joint agency crackdown on telemarketers responsible for more than a billion robocalls
- Recovered a \$10 million settlement with 29 states after a data breach impacted more than 10.4 million consumers nationwide
- Filed a lawsuit related to a data breach that impacted 3.9 million Hoosiers
- Brought the first case in the State of Indiana, under the Disclosure of Security Breach Act, which was successfully mediated and settled for \$250,000
- Led the mediation and settlement of the first multistate HIPAA lawsuit for a total recovery of \$900,000, of which Indiana's share was over \$174,000

Professional Licensing & Homeowner Protection Unit

- Appears before 15 boards or commissions which regulate consumer complaints against non-medical professionals as well as complaints related to loan servicing
 - Number of investigations increased by almost 43% from 2018
 - Number of litigation files increased by over 30% from 2018
 - Obtained 33 summary suspensions before their respective boards and commissions

Medical Licensing

- Appears before 20 boards or commissions which regulate health care practitioners
 - Opened 1,333 investigative files
 - Opened 338 litigation files
 - Filed 56 petitions for summary suspensions before their respective boards and commissions



LITIGATION

2019 Office of the Indiana Attorney General's Annual Report

The Litigation Division represents and defends the State of Indiana in lawsuits involving the state's interests.

Accomplishments

• 2019

- Saved taxpayers 62% in tort claim fund payouts through successful litigation and trial advocacy on behalf of the State of Indiana
- Represented the state in all eminent domain cases which assisted INDOT in meeting its construction deadlines
- Negotiated real estate acquisitions and handled the review and approval of 759 secured real estate parcels.

• 2017 - 2019

- Recovered over \$26.8 million for the state and municipalities
- Achieved a 100% success rate in its 261 state civil enforcement cases





MEDICAID FRAUD CONTROL UNIT

2019 Office of the Indiana Attorney General's Annual Report

The Medicaid Fraud Control Unit investigates Medicaid provider fraud and patient abuse or neglect.

Accomplishments

• 2019

- Recovered over \$20 million from various civil and criminal cases involving fraud and abuse or neglect of patients who receive Medicaid benefits
- 44 convictions in state and federal courts in 2019

• 2017 - 2018

- 63 convictions in state and federal courts
- Over \$39 million in recoveries from various civil and criminal cases involving Medicaid fraud or patient abuse or neglect
- 44 convictions in state and federal courts in 2019





UNCLAIMED PROPERTY

2019 Office of the Indiana Attorney General's Annual Report

The Unclaimed Property Division collects, safeguards, and returns unclaimed property to rightful owners.

Accomplishments

- Returned \$67.3 million to Hoosiers in 2019
- Returned \$61.2 million in 2018 and \$60.4 million in 2017
- Rate of return is approximately 64%, which is well above the national average
- In 2019, received over \$105 million in property, including contents of safe deposit boxes, unclaimed stock dividends, refunds from utility companies, etc.

Check www.IndianaUnclaimed.gov to see if the Office of the Attorney General has funds for you





COMPLEX LITIGATION

2019 Office of the Indiana Attorney General's Annual Report

The Complex Litigation Division handles unique cases requiring specialized expertise.

Accomplishments

- Launched in 2019, initially focusing on opioid-related cases
- Managed lawsuits against Purdue Pharma, best known for making and marketing the painkiller OxyContin which played a significant role in the opioid crisis; and members of the Sackler family, who founded the company
- Filed a lawsuit against three drug distributors: AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson Corporation; believed to be responsible for a commanding share of the prescription opioids sold to Indiana pharmacies





SOLICITOR GENERAL

2019 Office of the Indiana Attorney General's Annual Report

The Solicitor General represents the State of Indiana in litigation before the Supreme Court of the United States and other significant and high profile matters.

Accomplishments

- Filed multi-state amicus briefs on matters of federal preemption, criminal law, habeas procedure, climate change, and public nuisance for numerous states
- Defended Indiana's abortion laws in several cases before state and federal courts, including the United States Supreme Court
- Prevailed before the Seventh Circuit Court of Appeals to invalidate a sanctuary city consent decree and affirm the Attorney General's right to intervene to defend the constitutionality of a statute
- Persuaded the Indiana Supreme Court to permit the legislature to continue allocating fixed percentages of civil asset forfeitures for cost recovery, rather than require deposit of gross receipts into common school fund
- Won a final judgment of \$16,710,509.00 after a U.S. district court agreed with Indiana and other plaintiff states that the Affordable Care Act's Health Insurance Providers fee was unlawful as applied to the states
- Defending Indiana's HIP 2.0 Medicaid program, including recently adopted community-engagement requirements





APPEALS

2019 Office of the Indiana Attorney General's Annual Report

The Appeals Division represents the State of Indiana in criminal and civil appeals cases.

Appeals Statistics for 2019

	Briefs Filed	Oral Arguments	State Court Opinions	New Cases Opened
Criminal Appeals	1,600	53	1,256 - (93.7% estimated success rate)	1,419
Civil Appeals	764	9	401	814
Total	2,364	62	1,657	2,233

Accomplishments - Criminal Appeals

- Won 93.7% of appeals cases in 2019
- Successfully defended the constitutionality of a state-federal task force's efforts to identify drug smuggling by using dogs to sniff packages being routed through the Indianapolis International Airport's FedEx hub
- Persuaded the Indiana Court of Appeals to increase the sentence of an attempted police killer who was racially motivated to open fire on two Indianapolis Metropolitan Police Department district offices; police work in this case also solved a Zionsville murder in which the same defendant has since been convicted
- Litigation in the United States Supreme Court and Indiana Supreme Courts in several cases in which the Office of the Indiana Attorney General has defended the constitutionality of sentences of life without parole and long prison terms for juveniles who have been convicted of murder



APPEALS

2019 Office of the Indiana Attorney General's Annual Report

Accomplishments - Civil Appeals

- Won reversal of a trial court order that had required additional state funding for select charter schools, saving taxpayers from an exposure ranging anywhere from \$8 million to \$3 billion
- Successfully defended the constitutionality of the Right to Farm Act before the Indiana Court of Appeals
- Extended Indiana's protection of the state's most vulnerable citizens by prevailing before the Indiana Supreme Court which held that abusive parents may not use the Fifth Amendment to avoid court-ordered services designed to protect children
- Stopped schemes by used auto dealers to retitle and sell junked cars from Texas following the Houston hurricane flooding
- Successfully argued in the Indiana Court of Appeals to prevent deadbeat parents from using Medicaid to subsidize their outstanding child support arrearages





ADVISORY

2019 Office of the Indiana Attorney General's Annual Report

The Advisory Division provides legal advice and opinions to State of Indiana elected officials and agencies.

Accomplishments

- Advised 58 Indiana boards and commissions, such as professional and medical licensing boards
- Issued six published opinions:
 - 2019-1 Regional Jails and Cooperative Agreements
 - 2019-2 Use of Digital or Electronic Signatures for Pleadings in Commission Proceedings
 - 2019-3 Expenditures from Tourism Funds to Benefit For-Profit Corporations
 - 2019-4 Liability for Extended School Bus Arm Signal Devices
 - 2019-5 Use of Drones in Administrative Inspections
 - 2019-6 The Restoration of Firearm Rights Under Indiana's Expunction Statutes
- Provided support to various state agencies
 - Reviewed and approved 45 administrative rules
 - Reviewed and approved over 6,800 state contracts
 - Served as general counsel for several state entities





Gibson County



2019 ANNUAL REPORT - Office of the Indiana Attorney General
